

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
JAMES MICHAEL WEST,)
also known as JAMES M. WEST)
also known as JAMES WEST,)
also known as MIKE WEST, and)
JOANNE BAKER WEST,)
)
Defendants.)
_____)

No. 3:06-CR-92
(Judges Phillips/Guyton)

MORTGAGE ELECTRONIC)
REGISTRATION SYSTEMS, INC.)
as nominee for AMERICAN SAVINGS)
BANK, F.S.B.,)
)
Plaintiff,)

Hawaii State Circuit Court
Civ. Action No. **06-1-0399**

v.)
)
JAMES MICHAEL WEST,)
JOANNE REBECCA BAKER WEST,)
UNITED STATES OF AMERICA,)
JOHN DOES 1-50, JANE DOES 1-50,)
DOE PARTNERSHIPS 1-50, DOE)
CORPORATIONS 1-50, DOE ENTITIES)
1-50, AND DOE GOVERNMENTAL)
UNITS 1-50,)
)
Defendants.)
_____)

ORDER TO DISMISS

This matter is before the Court based upon the filing by the United States of a Motion to Dismiss or Stay the civil foreclosure action filed by Mortgage Electronic Registration Systems, Inc.

as nominee for American Savings Bank, F.S.B. (hereinafter “Plaintiff”) in the above-captioned action.

On December 22, 2006, Plaintiff filed the above-captioned civil foreclosure action in the Circuit Court of the Third Circuit of the State of Hawaii asserting its interest in the following property:

Real property having an address of Lot 64-A and 64-B, Upper Maulua Homesteads, North Hilo Ninole, Hawaii, consisting of two parcels, and more particularly described in document number 2005-147021, file number 1913096.

(hereinafter “the Lot 64-A and 64-B Hawaii Property”)

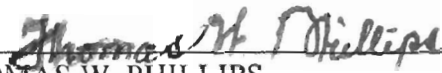
In the above-captioned civil foreclosure action, Plaintiff has improperly brought an action against the United States concerning the Lot 64-A and 64-B Hawaii Property. The Lot 64-A and 64-B Hawaii Property has been alleged subject to forfeiture pursuant to Title 21, United States Code, Section 853 and Title 18, United States Code, Section 982(a)(1) in a federal criminal indictment captioned *United States v. James Michael West, et al.*, Criminal Action No. 3:06-CR-92 (EDTN) (hereinafter “*United States v. West*”). Accordingly, both Title 21, United States Code, Section 853(k), incorporated by Title 18, United States Code, Section 982(b)(1), warrant the immediate dismissal of Plaintiff’s civil foreclosure action. On March 2, 2007, the United States filed a timely Removal Notice removing Plaintiff’s civil foreclosure action to this Court in the EDTN from the Third Circuit Court in Hawaii.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

That pursuant to Title 21, United States Code, Section 853(k), as incorporated by Title 18, United States Code, Section 982, said civil foreclosure complaint shall be dismissed for failure to

state a claim upon which relief can be granted.

ENTER:



THOMAS W. PHILLIPS
UNITED STATES DISTRICT JUDGE

Submitted for Entry:

JAMES R. DEDRICK
United States Attorney

By: s/ Michael J. Mitchell
Michael J. Mitchell
Assistant United States Attorney